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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/928,078	08/10/2001	Gerard von Hoffmann	PROGNX.005A	5596
20995	7590	02/26/2004	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP			HOLLOWAY III, EDWIN C	
2040 MAIN STREET			ART UNIT	
FOURTEENTH FLOOR			PAPER NUMBER	
IRVINE, CA 92614			2635	5

DATE MAILED: 02/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/928,078

Applicant(s)

VON HOFFMANN, GERARD

Examiner

Edwin C. Holloway, III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2,3,4.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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EXAMINER'S RESPONSE

1. In response to the application filed 8-10-01, the application has been examined. The examiner has considered the presentation of claims in view of the disclosure and the present state of the prior art. And it is the examiner's opinion that the claims are unpatentable for the reasons set forth in this Office action:

Claim Rejections - 35 USC § 102 & 103

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. The following is a quotation of 35 U.S.C. 1033333(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 5-7, 9, 12, 16, 21-23, 27 and 29-31 are rejected under 35 U.S.C. 102(b) as being anticipated by de la Huerga (US 5960085). Regarding claims 1 and 16, de La Huerga discloses a

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method and system with an electronic device, such as a computer terminal 60, including a transceiver (transmitter and receiver) 64 transmitting an interrogation signal to a remote electronic key in the form of a badge 10. The badge responds by transmitting a signal functioning as a password to enable and/or log onto the computer. See figs. 1-6, col. 9 line 20 - col. 15 line 16. Regarding claims 5-7 and 29, the signals can be RF in col. 9 line 44 and the password in a modified interrogation in col. 11 lines 55-57. Regarding claims 9 and 21, the badge is active because it includes a battery 252. Regarding claim 12, enables a function of the computer such as login and operation of I/O devices such as keyboard, mouse and monitor in col. 12 line 46 - col. 14 line 16. Regarding claim 22 badge is carried on clothing in col. 9 line 22 and col. 11 line 43. Regarding claim 23, a wrist band device is shown in fig. 2. Regarding claim 27, a finger ring is included in col. 9 line 26. Regarding claim 30, plural computer terminals and badges with plural keys corresponding to plural passwords are included in col. 11 lines 6-29. Regarding claim 31, a preference response is provided by the displaying of a customized startup gage in col. 4 line 62.

5. Claims 2-4, 8, and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over de la Huerga (US 5960085) as applied above in combination with Nerlikar (US 5629981).

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Regarding claims 2-4 and 17-19, Nerlikar discloses an analogous art security method and system with RFID badge interrogators or readers in portable devices such as cell phone, PDA and portable (notebook) computer. See col. 16 line 5 - col. 18 line 16. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included the interrogator of de la Huerga in cell phone, PDA or portable computer as disclosed in Nerlikar to restrict access to such portable devices because de la Huerga recognizes problem of restricting access to portable devices in col. 3 line 39 and Nerlikar discloses RFID to replace login passwords in col. 19 line 35. Regarding claims 8 and 20 it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included passive badges in the invention of de la Huerga because Nerlikar includes passive RFID badges as an alternative to active badges in the abstract and cols. 11-13 with known tradeoffs reduced range and speed, but no need of a battery that needs to be recharged.

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over de la Huerga (US 5960085) as applied above in combination with Reddersen (US 5563402). Reddersen discloses an analogous art computer interface method with interrogation of an RFID tag in col. 9 line 55 - col. 10 line 16. It would have

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been obvious to one of ordinary skill in the art at the time the invention was made to have included the method of de la Huerga interrogation at power on as disclosed in Reddersen so that the user would not need to provide manual input to initiate interrogation as suggested by the periodic interrogation of de la Huerga.

7.. Claims 11, 13-15 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over de la Huerga (US 5960085) as applied above in combination with Want (US 6008727). Regarding claim 11, Want discloses an analogous art RFID method with a pulse interrogation in col. 2 lines 40-41 and it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included this pulse interrogation in the method of de la Huerga to energize the tag. Regarding claims 13-15, Want includes a 12 cm range in col. 11 line 61 and it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included this range in the method of de la Huerga because this is the range of a conventional Trovan tag. Further Want discloses that there is a tradeoff between range and size because greater range requires larger tags. Also, shorter range increases security by assuring proximity of the tag. Regarding claim 31, Want includes a preference or profile in col. 14 line 45 - col. 15 line 19. If

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it is not clear that the customized start page of de la Huerga is a preference then such would have been obvious in view of the login profile of Want including preferred user options.

8. Claims 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over de la Huerga (US 5960085) as applied above in combination with Alt (US 6580356). Regarding claims 24-26, Alt discloses an RFID device on a watch or eyeglasses in col. 3 and it would have been obvious to have included such in the system of de la Huerga because Alt discloses such as commonly worn articles and de la Huerga discloses that the badge is worn by the user to reduce the possibility that it will be lost.

9. Claims 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over de la Huerga (US 5960085) as applied above in combination with Anders (US 4656463) or McAllister (US 5446265). Regarding claim 28, Anders discloses an RFID device on a glove in col. 33 line 36 and McAllister discloses an ID device on a glove in col. 3 line 51. It would have been obvious to have included such a glove in the system of de la Huerga because Anders and McAllister discloses such gloves as equipment or clothing worn by users and de la Huerga discloses that the badge is worn or attached to clothing of the user to reduce the possibility that it will be lost.

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Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Russell (US 5481265), Coopersmith (US 5796827), Dorinski (US 5821854), Dodd (US 5867093), Harris (US 6331972) and Cromer (US 6370650) disclose RFID systems.

CONTACT INFORMATION

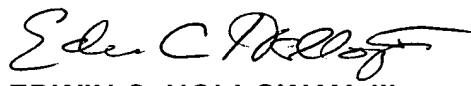
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature should be directed to the Technology Center 2600 receptionist at (703) 305-4700 or TC 2600 Customer Service at (703) 306-0377.

Facsimile submissions may be sent via fax number (703) 872-9306 to customer service for entry by technical support staff. Questions regarding fax submissions should be directed to customer service voice line (703) 306-0377.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin C. Holloway, III whose telephone number is (703) 305-4818. The examiner can normally be reached on M-F (8:30-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (703) 305-4704.

EH
2/22/04


EDWIN C. HOLLOWAY, III
PRIMARY EXAMINER
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